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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 HENRY C. ROSENAU,

14 Defendant.

CASE NO. CR06-157MJP

ORDER ON MOTION FOR  
PRESERVATION OF EVIDENCE  
AND TO COMPEL DISCOVERY

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16 This matter comes before the Court on Defendant Henry Rosenau's motion for  
17 preservation of evidence and to compel discovery. (Dkt. No. 102.) Having reviewed the motion,  
18 the government's response (Dkt. No. 116), and the remaining record, the Court issues the  
19 following ruling:

20 The government is ORDERED to turn over any MLAT materials to the Court for in  
21 camera review. While Fed. R. Crim. P. 16 does not require the government to turn over internal  
22 government documents which relate to the preparation, writing, revising, consulting on and  
23 presenting of its case, certain elements of the MLAT materials, including the dates of  
24 communications with the Canadian government, may be relevant for the Defendant's ability to

1 prepare a defense concerning the Speedy Trial Act. The Court will review these documents and  
2 turn over any information material for the Defendant's defense.

3       Regarding the Defendant's argument that the Court should preserve or produce  
4 documents relating to Zachary Miraback Bates stamped 1829-1907, the Court notes that the  
5 documents have been filed under seal as Dkt. No. 98, and that they shall be preserved. The Court  
6 has already reviewed the documents and determined they contain no potentially exculpatory  
7 material, so they will not be turned over. (Dkt. No. 99.)

8       The government is ordered to turn over MLAT materials to the Court by Tuesday, April  
9 24, 2012 at 5:00 p.m. The clerk is ordered to provide copies of this order to all counsel.

10       Dated this 20th day of April, 2012.

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14 Marsha J. Pechman  
United States District Judge